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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,448	03/26/2004	Takashi Ohama	119302	8136
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EXAMINER				
MCCULLOUGH, MICHAEL C				
ART UNIT		PAPER NUMBER		
3653				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/809,448

Applicant(s)

OHAMA, TAKASHI

Examiner

MICHAEL C. MCCULLOUGH

Art Unit

3653

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-18 and 32 is/are allowed.
- 6) ☐ Claim(s) 1-13, 29-31, 35 and 36 is/are rejected.
- 7) ☐ Claim(s) 19-28, 33 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The amendment filed 15 October 2007 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-13, 29-31, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tetsuo (JP 10-268442) in view of Sugiyama et al. (US 2002/0030321). Tetsuo discloses a transport path with a first route (37), a joining position (see Figure 2 element A, below), a reading position with an opening (2), a transport changing position (see Figure 2 element B, below), an inversion-and-transport path including a second route (54), a document transporting unit (43, 44), a closed portion (54), a document length detecting unit (105), a controlling unit and first comparing unit (see Abstract) which determines whether the document is to be transported to the inversion-and-transport path or not on the basis of a result of the comparison by the first comparing unit, a document discharging portion (see Figure 2 element D, below) disposed at the transport changing position, and a cover member (see Paragraph 0021 and element C, below).

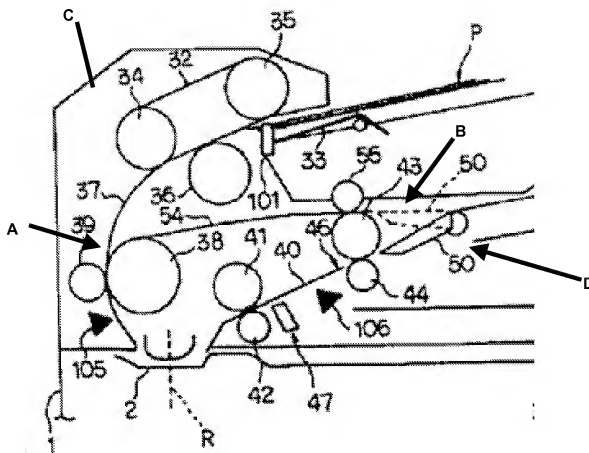
Regarding claims 4-6, 10-13, 30, and 31, 35, and 36, the comparing unit transports the documents to the inversion-and-transport path when the document is larger than a predetermined length and discharges the document without transporting it

to the inversion-and-transport path when the document is smaller than a predetermined size (see Paragraphs 0012, 0051, and 0056).

Regarding claims 7-9 the comparing unit transports the documents to the inversion-and-transport path when the document is smaller than a predetermined length and discharges the document without transporting it to the inversion-and-transport path when the document is larger than a predetermined size (see Paragraphs 0012, 0051, 0052, 0056, and 0057).

Tetsuo does not disclose the size of the predetermined length. However, it would have been obvious for a person of ordinary skill in the art at the time of the applicant's invention to modify Tetsuo by utilizing a predetermined length for the purpose of reducing mechanical burden to the document (see Paragraphs 0004-007).

Tetsuo discloses all of the limitations of the claims but does not disclose a pair of rollers which are controlled, by a controller, to rotate in a first rotating direction and reverse the first rotating direction to a second direction. However, Sugiyama et al. discloses a similar device that includes a pair of rollers (24) which are controlled to rotate in a first rotating direction and reverse the first rotating direction (see Paragraphs 0089-0090) to a second direction (see Paragraph 0087) for the purpose of shortening and simplifying the sheet path to enable efficient conveyance (see Paragraph 0098). It would have been obvious for a person of ordinary skill in the art at the time of the applicant's invention to modify Tetsuo by utilizing a pair of rollers, as disclosed by Sugiyama et al., for the purpose of shortening and simplifying the sheet path to enable efficient conveyance.



Response to Arguments

2. Applicant's arguments with respect to claims 1 and 29 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

3. Claims 14-18 and 32 are allowed.
4. Claims 19-28, 33, and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MICHAEL C. MCCULLOUGH** whose telephone number is (571)272-7805. The examiner can normally be reached on Monday-Friday, 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3653

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MCM

/Patrick H. Mackey/
Supervisory Patent Examiner, Art Unit 3653